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Assembly California Legislature



JARED HUFFMAN
ASSEMBLYMEMBER, SIXTH DISTRICT

COMMITTEES
CHAIR, WATER, PARKS AND
WILDLIFE
NATURAL RESOURCES
UTILITIES AND COMMERCE

SUBCOMMITTEE NO.3
ON RESOURCES

January 13, 2009

Bay Conservation and Development Commission
50 California Street, Suite 2600
San Francisco, CA 94111
Attn: Karen Wolowicz, Permit Analyst
FAX (415) 352-3606
Karen@bcdc.ca.gov

RE: Opposition to San Quentin Death Row Expansion & Permanent Loss of Public Access and Ferry Terminal Opportunity

Dear Chairman Randolph and Commissioners:

We are writing to urge the Bay Conservation and Development Commission to deny the application from the Department of Corrections and Rehabilitation Commission (CDCR) relating to the construction of a new \$356 million condemned inmate complex along a remarkable piece of the San Francisco Bay shoreline at San Quentin.

As you may know, we strongly oppose this project and we have urged the Governor's office and CDCR to explore alternatives to building an expanded death row on this property at San Quentin. To date, the Administration has refused to consider any alternatives and CDCR is now rushing to break ground in the weeks ahead, even as California faces the worst financial crisis in our history.

There are many reasons to oppose this deeply flawed project, including massive construction and operating costs that will exceed \$1.6 billion over the next eleven years and the fact that, according to the state auditor, the new facility is likely to run out of space by 2014 – just three years after it opens. But as it pertains to BCD's jurisdiction, there is a more direct reason to oppose the project: it will have substantial long-term, negative impacts on the environment and the public's use and enjoyment of San Francisco Bay, including:

- permanent loss of public access, recreational opportunities and esthetic damage;
- permanent loss of an ideal ferry terminal location with the potential for a world-class ferry/rail transit hub at the western edge of the San Quentin property, a site long identified as perhaps the best deep-water ferry terminal location on the entire San Francisco Bay;



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- continuation of harmful and expensive annual dredging of the Corte Madera Creek channel to maintain the current inferior ferry location;
- continuation of greenhouse gas and other harmful emissions due to ferries traveling extra distance and slowing down to reduce wake for the final five minutes of the ride; and
- continuation of wetland degradation and foreclosure of wetland restoration possibilities.


These impacts are clearly within the ambit of BCDC's regulatory authority and resource protection mission. While the Commission cannot dictate to CDCR what type of project it does, it can require CDCR to design the project in a way that avoids or minimizes loss of public access and harm to San Francisco Bay, and that doesn't permanently foreclose a golden opportunity to improve the environment and the public's use and enjoyment of the Bay in the years ahead.

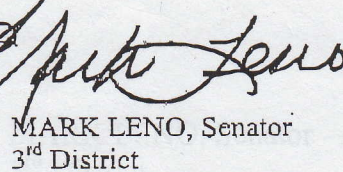
It is also significant that global warming impacts have never been considered, much less addressed, in connection with this project. CDCR's CEQA process was completed before the passage of California's historical Global Warming Solutions Act, AB 32, and before the policy clarifications that now make it clear that greenhouse gas impacts and global warming considerations must be part of the environmental review process. If CDCR will not address these issues, then it is incumbent upon BCDC, as a state agency with a public trust and resource protection mandate, to consider them as a part of your permitting decision.

Finally, and arguably the most obvious reason for BCDC to deny this permit, is CDCR's proposal to give approximately \$1 million to the Marin Transportation Authority (TAM) to partially fund a Bay Trail gap closure. One-million dollars does not even begin to compensate for permanently locking-out the public from this spectacular swath of San Francisco Bay shoreline. The BCDC staff analysis shows that \$1 million would be at the very low end of precedents for "in-lieu" public access payments. While we question whether any amount of money could compensate for the environmental damage and permanent loss of public use and enjoyment that would result from this project, \$1 million is a patently inadequate "in-lieu" payment for the loss of public access at this incredible location. On this ground alone, the permit can and should be denied.

Thank you for your thoughtful consideration. If either of our offices can be of any assistance going forward, please do not hesitate to contact us.

Sincerely,


JARED HUFFMAN, Assemblymember
6th District


MARK LENO, Senator
3rd District